

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN DOE,  
Plaintiff,

v.

VIRGINIA POLYTECHNIC INST.,  
& STATE UNIV. et al.,  
Defendants

)

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) Case No. 7:21-cv-00378

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) By: Michael F. Urbanski

) Chief United States District Judge

ORDER

As set forth in the accompanying memorandum opinion, Virginia Tech's motion to dismiss, ECF No. 26, is **GRANTED**. Doe's claim based on the allocation of the 2018–2019 research grant funds is **DISMISSED with prejudice** as time barred. In addition, his claim based on his loss of a liberty interest is **DISMISSED with prejudice** for failure to state a claim. His remaining claims that (1) he was deprived of a property interest in continued enrollment without due process; (2) he was deprived of grant funds in the 2019–2020 school year in violation of Title IX; (3) he was subjected to a hostile environment based on sex in violation of Title IX; and (4) he was retaliated against in violation of Title IX, are **DISMISSED without prejudice** for failure to state a claim.

Doe may file a Second Amended Complaint within thirty (30) days of entry of this Order if he wishes to proceed on any of the claims that were dismissed without prejudice.

It is so **ORDERED**.

ENTERED: July 28, 2022

A handwritten signature in blue ink, appearing to read 'MFU', is positioned to the left of the digital signature text.

Digitally signed by Michael  
F. Urbanski Chief U.S.  
District Judge  
Date: 2022.07.28 11:34:02  
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Michael F. Urbanski  
Chief United States District Judge